IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3861 OF 2006

Purandhar Bollu Pujari and ors. .. Petitioners

Vs.

The Pune Municipal Corporation and ors. .. Respondents

Mr. A.P. Parlikar for petitioners.
Mr. R.G. Ketkar for respondent no.1.

CORAM: B.H. MARLAPALLE, J.

Date : July 25, 2006.

P.C.:

1. Heard Mr. Parlikar the learned counsel for the petitioners who had filed RCS No.562 of 1999 challenging the notice issued by the Municipal Corporation under Section 89 of the Bombay Provincial and Municipal Corporation Act, 1949 and the said suit was dismissed by the trial court on 5/1/2005. the plaintiffs, therefore, went in appeal against the said order by filing Civil Appeal No.126 of 2005 and the same also came to be dismissed by the learned 13th Ad-hoc Additional District Judge at Pune on 7/3/2006 and these orders are challenged in this petition under Article 227 of the Constitution.

2. There is no reason why the petitioners do not have the remedy for filing a Civil Revision Application under Section 115 of C.P.C. and for the reasons set out in my order in Writ Petition No.3334/06, the petition is allowed to be withdrawn with liberty to file a Civil Revision Application. It is made clear that in case an issue of limitation arises in entertaining the Civil Revision Application, the period of pendency of this petition shall be excluded for counting the limitation.

3. The ad-interim order granted earlier will operate for a period of two weeks from today.

(B.H. Marlapalle,J.)